

Application No. 10/620,960
Attorney Docket No. 009785-0139 (15895US01)

REMARKS

The present application includes claims 25-64. Claims 35-63 were rejected.

By this Amendment, claims 25, 35, 44, and 55 have been amended.

In the Office Action, the Examiner mentioned that a copy of References C-4 and C-5 were not received with the IDS of April 18, 2006. Consequently, a supplemental IDS listing those references and including copies of the references is included with the present Amendment.

Claims 54 and 64 were provisionally objected to as being substantially duplicative to claims 25 and 35 under 37 CFR 1.75 and MPEP § 706.03(k). The Applicant stands ready to make appropriate amendments, if necessary, once the claims have been allowed.

Claims 35-43 and 55-64 were rejected under 35 U.S.C. §101 as directed to non-statutory subject matter. In the Office Action, the Examiner suggests amending the claims to recite that the data container is stored on a computer-readable medium. Independent claims 35 and 55 have been amended to recite the limitation identified by the Examiner.

Claims 25-28, 31-38, 41-47, 50-58, and 61-64 were rejected under 35 U.S.C. §102(a) as being anticipated by Spector, (“Updated WinZip Alters Zip Format”). The

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Applicant notes that the date of publication printed on the first page of Spector is May 20, 2003, approximately three months before the filing date of the present application.

However, as recited in the accompanying Declaration of Jim Peterson, Chief Scientist of PKWARE, Inc., and the sole inventor of the present application, the innovation recited in the present claims was conceived and reduced to practice prior to May 20, 2003, the effective priority date of Spector.

Consequently, the Applicant respectfully submits that Spector does not meet the requirements for a rejection under 35 U.S.C. §102(a) and that the present rejection has been traversed.

Claims 25-28, 30-38, 40-47, 49-58, and 60-64 were rejected under 35 U.S.C. §102(e) as being anticipated by Strand, U.S. Pat. No. 6,934,836. Strand teaches a fluid separation conduit cartridge with encryption capability. The Office Action specifically directs attention to Col. 9, Lines 29-35 and Col. 12, Lines 13-36.

Col. 9, Lines 29-35 recites that information may be encrypted using a strong encryption algorithm such as 128-bit encryption used in a DES algorithm, but does not recite the use of encryption with a .Zip file. Instead, the cited section only indicates that information used, accessed, and/or sent to the conduit cartridge may be encrypted, as recited at Col. 9, Lined 35-42.

Col. 12, Lines 13-36 recites that the conduit cartridge may use compression algorithms. More specifically, Strand provides three, and only three examples of

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compression applications. Specifically, PKZip (a product of the assignee of the current application), WinZip, and gzip. Further, Strand recites that after the information has been compressed, the information could then be encrypted, for example using public/private key encryption. Further, Strand recites “One skilled in the art will recognize that the information may be compressed and then encrypted or may be encrypted and subsequently compressed.”

However, although PKZip and WinZip provided simple password-based security as of December 27, 2001 (the filing date of Strand), as stated in the enclosed Declaration of James C. Peterson, Chief Scientist of PKWARE, Inc., none of PKZip, WinZip, or gzip provided DES encryption capability, especially not using a key of at least 128 bits, as recited in the present independent claims. That is, all of PKZip, WinZip, and gzip were only able to perform the compression operation recited in Strand and were not able to perform the encryption operation recited in Strand.

That is, the teaching of Strand is limited to using a first, separate application to perform the encrypting step and a second, separate application to perform the compression step. More specifically, a user desiring to perform 128 bit DES encryption on a file compressed using PKZip, WinZip, or gzip as recited in Strand would have to use an additional, third-party encryption application because none of PKZip, WinZip, or gzip offered the encryption option as of December 27, 2001. Consequently, Strand does not teach using a single application to perform both compression and encryption operations.

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Rejected claims 25-28, 30-38, 40-47, 49-58, and 60-64 include independent claims 25, 35, 44, and 55, each of which has been amended for clarity to include the limitation that the encryption of the data and the introduction of the encrypted data into the data container take place using the a single application. This limitation is not taught by Strand, as recited above. Consequently, the Applicant respectfully submits that independent claims 25, 35, 44, and 55 are allowable and that their respective dependent claims 26-28, 30-34, 36-38, 40-43, 45-47, 49-54, 56-58, and 60-64 are also allowable.

Claims 25-28, 33-38, 43-47, 52-58, and 63-64 were rejected under 35 U.S.C. §102(b) as being anticipated by SecuriSys, (“SecureZIP Brings Convenience And Security To ZIP Files”). SecuriSys teaches digitally signing and/or encrypting “a ZIP archive or other type of file.” That is, SecuriSys teaches encrypting a whole .ZIP archive. SecuriSys does not teach a single application that encrypts individual data files and then packages them in a .ZIP archive.

Further, method claims 25 and 44 clearly recite that the encrypting of the data file takes place before the data file is placed in the .ZIP archive. Conversely, SecuriSys teaches encrypting an entire that has already been formed, not encrypting a file and then placing the file in an archive.

Rejected claims 25-28, 33-38, 43-47, 52-58, and 63-64 include independent claims 25, 35, 44, and 55, each of which includes the limitation that a data file is encrypted before being placed in a data container or that the data container contains

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encrypted data. Consequently, the Applicant respectfully submits that independent claims 25, 35, 44, and 55 are allowable over SecuriSys, and that dependent claims 26-28, 33-34, 36-38, 43, 45-47, 52-54, 56-58, and 63-64 are also allowable.

Claims 29, 39, 48, and 59 were rejected under 35 U.S.C. §103(a) as being unpatentable over SecuriSys and further in view of Nelson (“Data Compression With The Burrows Wheeler Transform”) However, claims 29, 39, 48, and 59 depend from claims 25, 35, 44, and 55 which were respectfully submitted to be allowable above. Consequently, claims 29, 39, 48, and 59 are also respectfully submitted to be allowable.

Claims 30-32, 40-42, 49-51, and 60-62 were rejected under 35 U.S.C. §103(a) as being unpatentable over SecuriSys and further in view of Strand. However, claims 30-32, 40-42, 49-51, and 60-62 depend from claims 25, 35, 44, and 55 which were respectfully submitted to be allowable above. Consequently, claims 30-32, 40-42, 49-51, and 60-62 are also respectfully submitted to be allowable.

Claims 29, 39, 48, and 59 were rejected under 35 U.S.C. §103(a) as being unpatentable over Strand and further in view of Nelson. However, claims 329, 39, 48, and 59 depend from claims 25, 35, 44, and 55 which were respectfully submitted to be allowable above. Consequently, claims 29, 39, 48, and 59 are also respectfully submitted to be allowable.

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Claims 25, 31-32, 35, 41-42, 44, 50-51, 55, and 61-62 were provisionally rejected under non-statutory, obviousness-type double patenting as being unpatentable over claims 14, 34, 52, 71, 90, 108, 128, and 147 of copending Application No. 10/945,352. A Terminal Disclaimer in favor of Application No 10/945,352 accompanies this Amendment. Consequently, the Applicant respectfully submits that the present provisional obviousness-type double patenting rejection is respectfully traversed.

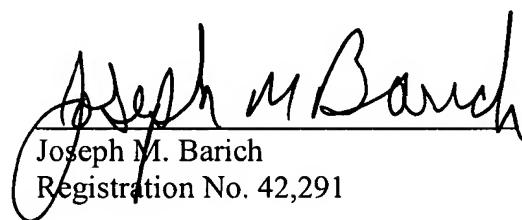
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CONCLUSION

If the Examiner has any questions or the Applicant can be of any assistance, the Examiner is invited and encouraged to contact the Applicant at the number below.

The Commissioner is authorized to charge any necessary fees or credit any overpayment to the Deposit Account of McAndrews, Held & Malloy, Account No. 13-0017.

Respectfully submitted,



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